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PROPOSED RULES

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DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 172, 173, 174, 175, 176,
179]

[Docket No. HM-139 Notice No. 7(-8)]

INDIVIDUAL EXEMPTIONS, CONVERSION TO REGULATIONS OF GENERAL APPLICABILITY

Transportation of Hazardous Materials

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments by September 30, 1977.

ADDRESS COMMENTS TO: Section of Dockets, Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590 (202-426-2075).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the table below is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations. Primary drafters of this proposal are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Operations, and George W. Tenley, Jr., Office

of the Assistant General Counsel for Materials Transportation Law.

These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated. Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more previous applications are pending; the suffix "N" means a new application for exemption is pending.

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Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

DOT No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 3750-No	American Cyanamid Co.	173.328(a)(3)	Authorizes shipments of cyanogen chloride (containing less than 0.9 pct water), a class A poison, in DOT specification 3A480, 3A480, or 3A480X cylinders as specified in sec. 173.332(a)(2). (Modes 1 and 2.)	To add par. (a)(3) to read: (3) Cyanogen chloride (containing less than 0.9 pct water) may also be packaged as prescribed by sec. 173.332(a)(2) of this subchapter
E 6127-No	Monsanto Co.	173.373(a)	Authorizes shipments of orthonitroaniline in insulated DOT specification MC 304, MC 307, MC 310, MC 311, or MC 312 tank motor vehicles having a steel inner tank. Commodity must be loaded in a liquefied state at a temperature not to exceed 180° F. (Mode 1.)	To add par. (6) to read: (6) Specification MC 304, MC 307, MC 310, MC 311, or MC 312 (secs. 178.340, 178.342, 178.343 of this subchapter). Tank motor vehicles. If the cargo tank is constructed with bottom outlets, they must meet secs. 178.342-5(a) and 178.343-5 of this subchapter. Cargo tank must be insulated and have a steel inner tank. Authorized only for orthonitroaniline loaded in a liquefied state at a temperature not over 180° F. Not authorized for transportation by water.
E 6218-No	Vicksburg Chemical Co.	173.182(b)(6)(U)	Authorizes shipments of potassium nitrate in DOT specification 44P plastic bag having a net weight of not over 81 lb. (Modes 1 and 2.)	To revise par. (U) to read: (U) Specification 44P (sec. 178.211 of this subchapter). All plastic bags. Maximum authorized net weight is 81 lb. Authorized only for ammonium nitrate mixed fertilizer, ammonium nitrate fertilizer (containing no more than 0.2 pct carbon) and potassium nitrate.
E 6502-No SP 6640-X	Allied Chemical Corp., Air Products & Chemicals, Inc.	173.34(e)(15) (ii)	Authorizes shipments of sulfur hexafluoride in DOT specification 3A and 3AA cylinders with the retest period specified in 49 CFR 173.34(e) extended to 10 yr. (Modes 1 and 2.)	To revise par. (15)(U) to read: (15) . . . (ii) The cylinder is used exclusively for: Air, argon, cyclopropane, ethylene, helium, hydrogen, krypton, neon, nitrogen, nitrous oxide, oxygen, sulfur hexafluoride, xenon, and permitted mixtures thereof (see sec. 173.301(a)) and permitted mixtures of these gases with up to 30 pct by volume of carbon dioxide. These commodities must have a dewpoint at or below minus 52° F at 1 atm.
E 6804-No	Chrevorn Chemical Co.	173.353(a)(7)	Authorizes shipments of methyl bromide and ethylene dibromide mixtures in tin-plated metal cans packed in a specification 12B30 fiberboard box. (Mode 1.)	To add par. (a)(7) to read: (7) Specification 12B30 (sec. 178.205 of this subchapter). Fiberboard box with inside tinplated metal cans containing not more than 6 oz of product per can. Cans must be capable of withstanding a pressure of 75 lb/in ² at 130° F, without leakage or permanent distortion. Not more than 12 cans may be packed snugly in the outside fiberboard box. Authorized only for methyl bromide and ethylene dibromide mixtures, liquid.
E 6838-No (Add)	Air Cruisers Co., Douglas Aircraft, American Airlines.	173.108(a), 173.3 173.906	Authorizes shipments of liferafts or slide rafts containing not more than 5 signal devices. (Modes 1, 3, 4, and 5.) Liferafts, inflatable.	To add "Liferafts, inflatable" to 172.101 and to add para. 173.906 to read as follows: An inflatable liferaft, serviced and ready for use as a lifesaving appliance aboard a vessel or aircraft, containing small quantities of hazardous materials which are required as part of the lifesaving appliance; e.g., a nonflammable compressed gas with no subsidiary hazards packaged in a cylinder complying with DOT regulations, class C explosives in the form of pyrotechnic devices, and flammable liquids in the form of a repair kit capable of repairing punctures in the buoyancy compartments, etc., must be packed in strong outside packaging.
E 7060-No E 7248-No E 7260-No	E. I. du Pont de Nemours & Co.; Atlas Powder.	176.415(c)	Authorizes the loading and unloading of certain packagings of nitro carbamate and ammonium nitrate fertilizers at nonisolated port facilities. (Mode 3.)	To add par. (c)(5) to read: (5) If the material is ammonium nitrate (organic coated), ammonium nitrate-phosphate, an ammonium nitrate mixture containing more than 60 pct ammonium nitrate, or nitro carbamate in nonrigid combustible packaging and loaded in freight containers or roll-on, roll-off highway vehicles, it may be loaded or unloaded at a nonisolated facility provided that facility meets the approval of the Coast Guard captain of the port.
E 7211-No	Kerr-McGee Chemical Corp.	173.251(b)(3)	Authorizes shipments of boron tribromide in DOT specification 37A steel drums with inside glass containers suitably cushioned and meeting requirements of sec. 173.251(b)(1). (Modes 1, 2, 3, and 5.)	To add par. (b)(3) to read: (3) Specification 37A (sec. 178.131 of this subchapter) steel drums with inside glass receptacles not over 1-qt capacity each. Inside containers and cushioning must comply with para. (b)(1) of this section. Not more than 4 8-oz glass receptacles or 2 1-qt glass receptacles may be packed within 1 8-gal 37A drum. Not more than 12 8-oz glass receptacles or 6 1-qt glass receptacles may be packed within 1 30-gal 37A drum. Completed package must meet test requirements of sec. 178.131-11 of this subchapter.
E 1470-No	Cities Service Co., Hooker Chemical & Plastics Corp., U.S. Industrial Chemicals Co., Phelps Dodge Corp.	173.241(a)(3), 179.200-18(b)(1), 179.201-1(a), 179.200-18(b)(1) 179.201-1	Authorizes shipments of various corrosive liquids in DOT specification 103AW, 103BW, 111A60W2, 111A100W2, and 111A100W5 tank cars having bursting pressure increased from 45 to 60 lb/in ² on 103AW, 103BW, and 111A60W2 cars and from 75 to 100 lb/in ² on 111A100W2 and 111A100W5 cars. (Mode 2.) To increase the vent bursting pressure to not more than 100 pct of tank test pressure.	To revise par. (a)(3) to read: (3) Outage requirements for tank cars. In tank cars, outage must be calculated to percentage of the total capacity of the tank; i.e., shell and dome capacity combined. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage. The outage for tank cars must not be less than 2 pct except that the outage for specification 103A, 103B, 103C, 103E, 103A-AL, 103C-AL, 104AW, 103CW, 103EW, 103ANW, 103A-ALW tank cars must not be less than 1 pct. To revise par. (b)(1) to read: (1) When permitted in sec. 179.201-1, each tank or compartment used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety relief valves, but if not so equipped shall have 1 safety vent at least 1 1/4 in inside diameter, of an approved design which will prevent interchange with fixtures prescribed in sec. 179.200-15(a), and closed with a frangible disk of lead or other approved material of a thickness that will rupture at not more than 100 pct of tank test pressure. Means for holding disk in place shall be such as to prevent distortion or damage to disk when applied. Safety vent closure shall be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents shall be stenciled NOT FOR FLAMMABLE LIQUIDS. To revise the individual specification requirements in sec. 179.201-1 to read: To revise par. (a)(2)(i) to read: (i) In letters not less than 1/16 of an inch high, or (ii) In bold, upper-case letters not less than 1/16 of an inch high inside a rectangle made with any symbol such as asterisks (*), dollar sign (\$), capital (X), or the symbol for number (#). To revise note 7 to read: Note 7: Specification 106A or 110A tanks authorized only for transportation by rail freight, cargo vessel, and highway. (See 174.204, 176.200, and 177.534(m) of this subchapter for special requirements.) To revise par. (m)(11) to read: (11) Specification MC 305, MC 306, or MC 307 (secs. 178.340, 178.341, 178.342 of this subchapter). Tank motor vehicle meeting sec. 178.343-2(c) of this subchapter. Not authorized for flammable liquids which are also organic peroxides.
E 7711-No	Illinois Central Gulf RR.	174.25(a)(2)(i)	Authorizes the use of the capital letter "X" instead of asterisks (*) or the symbol for number (#).	
7210-X	Allied Chemical Corp.	173.314(c)	Authorizes shipments of dichlorodifluoromethane in DOT specification 106A500 and 106A500X multi-unit tank car tanks. (Mode 3.)	
	Müller Transporters, Inc.	173.119(m)(11)	Requests authority to transport acrylonitrile, a flammable liquid which is also poisonous, in DOT specifications MC 305 and MC 306 cargo tanks. (Mode 1.)	

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See the following table:

172.101 Hazardous materials table.

(1) W/ A	(2) Hazardous materials de- scription and proper shipping names	(3) Hazard class	(4) Label(s) re- quired (if not excepted)	(5) Packaging		(6) Maximum net quantity in 1 package		(7) Water shipments		
				(a) Excep- tions	(b) Specific requirements	(a) Passenger-carrying air- craft or rail car	(b) Cargo-only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other require- ments
AW	Liferafts, inflatable.....	ORM- C	None.....	None.....	173.006	1 per inaccessible cargo compartment.	No limit.....	1,2	1,2	

* See the following table:

§ 179.201-1 Individual specification requirements.

DOT specifications	103A-ALW	103AW	103ALW	103ANW	103BW	103CW	103DW	103EW
(Revised) Minimum expansion capacity (see 179.200-14).	1 pct in dome....	2 pct in dome....	2 pct in dome....	1 pct in dome....	2 pct in dome....	1 pct in dome....	2 pct in dome....	1 pct in dome....
(Revised) Vent-bursting pressure, pounds per square inch.	45.....	60.....	45.....	45.....	60.....	45.....	45.....	45.....
	103W	104W	111A60ALW1	111A60ALW2	111A60W1 ¹	111A60W2	111A60W5	111A60W7
(Revised) Minimum expansion ca- pacity (see 179.200-14).	2 pct in dome....	2 pct in dome....	2 pct in tank....	2 pct in tank....	2 pct in tank....	2 pct in tank....	2 pct in tank....	2 pct in tank....
(Revised) Vent-bursting pressure, pounds per square inch.	45.....	45.....	45.....	45.....	45.....	60.....	45.....	45.....
	111A100ALW1	111A100ALW2	111A100W1 ¹	111A100W2 ¹	111A100W3	111A100W4	111A100W5	111A100W6
								111A60F1 ¹ 111A100F1 ¹ 111A100F2 ¹
(Revised) Minimum expansion ca- pacity (see 179.200-14).	2 pct in tank..	2 pct in tank..	2 pct in tank..	2 pct in tank..	2 pct in tank..	Footnote.....	2 pct in tank..	2 pct in tank..
(Revised) Vent-bursting pressure, pounds per square inch.	75.....	75.....	75.....	100.....	75.....	75.....	100.....	75.....

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) (4) of App. A to Part 102.)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on August 24, 1977.

ALAN I. ROBERTS,

Director, Office of Hazardous Materials Operations.

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